

Application No.: 09/761,112

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**REMARKS**

The Examiner's courtesy of a telephone interview on 8 February 2005 (further details are provided in the enclosed Interview Summary Form) is acknowledged and appreciated. The amendments above are believed to reflect the substance of these discussions, and in view of the above amendments, applicant believes the pending application is in condition for allowance. Reconsideration is respectfully requested.

Claims 1-49 were examined and were rejected as being anticipated by Novikov et. al. (Novikov), and as asserted in the previous paper, the Applicant believes that those previously submitted claims distinguished over the Novikov reference. However, any appropriateness of those rejections is respectfully asserted to be moot in light of the current amendments which are entered to expedite prosecution.

The present invention includes a number of novel elements not shown in the cited references. It is one aspect of the present invention that a biometric system act as a gate, rather than as a filter as shown in the references. That is, the gating device controls an operational mode of an electronic device rather than working in cooperation with an electronic device. The independent claims have been amended to expressly recite this biometric gating function in which a biometric-controlled switch, interposed between an electronic device and a power source for the device determines whether the electronic device is operable or not.

The Novikov reference fails to teach or suggest that the device 54 is functionally interposed between a power source of either computer 50 or computer 51 and circuits of those computers controlling startup. The Novikov reference does not expressly illustrate a power source or the interposition of biometric-controlled switch between the electronic device and the power source. In a single instance in which the undersigned found the Novikov reference discussing power sources, it appeared to be a context of a peripheral device of the computing system receiving power from the computing system. Thus, the

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peripheral device could not be gating power as that term is used in the specification and recited in the claims.

A basic design of conventional biometric systems (e.g., Novikov) is to have an ALREADY functioning computing system use biometric information to FILTER accesses rather than to GATE accesses through controlling whether the computer 51 is ON or OFF. By the term "gating," the present invention includes the idea that an electronic device (e.g., a computer or an electronic lock) is not energized unless and until the biometric profile and the biometric signature bear a required relationship. This is a major shift in design from conventional systems that use an already powered computing system to interface with a biometric reader. Also, the gating function may shut off an electronic device, and permits embodiments of the invention to be used without a computing system such as when the electronic device is an electronic lock.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Michael E. Woods, Applicants' Attorney at (415) 388-0830 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Applicant believes no fee is due with this response.

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Respectfully submitted,

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